

**STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT**

South Carolina Department of Insurance,)
)
Petitioner,)
vs.)
)
Jerome Wade,)
)
Respondent.)
_____)

Docket No.: 06-ALJ-09-0482-CC

ORDER OF DISMISSAL

FILED

MAY 19 2006

APPEARANCES: Jeffrey Jacobs, Esquire for Petitioner
No appearance for Respondent

SC ADMIN. LAW COURT

This matter comes before the Administrative Law Court pursuant to S.C. Code Ann. §§ 1-23-310 et seq. (1986 & Supp. 2005) and S.C. Code Ann. §§ 38-43-100 and 38-43-130 (Supp. 2005) for a contested case hearing. The Petitioner, South Carolina Department of Insurance, sought to revoke the respondent's resident insurance producer's license due to the respondent's conviction for crimes of moral turpitude. After proper notice to the parties, a hearing was held on May 4, 2006 at the Court in Columbia, South Carolina. Counsel for the Petitioner was present at the hearing as noted. After waiting approximately fifteen (15) minutes for the Respondent to appear, the Court commenced this hearing and finds that the Petitioner shall revoke the Respondent's resident insurance producer's license.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having carefully considered all testimony, exhibits, and arguments presented at the hearing of this matter, and taking into account the credibility and accuracy of the evidence, I make the following findings of fact by a preponderance of the evidence:

1. Notice of the time, date and place of hearing was provided to all parties as required by ALC Rule 15.
2. At the call of the case, Counsel for the Petitioner was present, but the Respondent was not.
3. The Petitioner introduced certified copies of Respondent's ten (10) convictions in Richland County, South Carolina for crimes which are crimes of moral turpitude, including forgery, obtaining money under false pretenses and issuing a fraudulent check.

4. Under the terms of S.C. Code Ann. §38-43-130 (A) the Department may revoke a producer's license when it appears that the producer has been convicted of a crime of moral turpitude. I find that the Department has met its burden of proof and that the Respondent has been convicted of several crimes of moral turpitude.¹

5. In addition, under SC ALC Rule 23,

The administrative law judge may dismiss a contested case or dispose of a contested case adverse to the defaulting party. A default occurs when a party fails to plead or otherwise prosecute or defend, fails to appear at a hearing without the proper consent of the judge or fails to comply with any interlocutory order of the administrative law judge. Any non-defaulting party may move for an order dismissing the case or terminating it adversely to the defaulting party. (Emphasis added.)

I find that the Respondent has defaulted in this matter, and that the Department is entitled to the relief sought.

THEREFORE, IT IS ORDERED, that the Department of Insurance's decision to revoke the Respondent's insurance producer's license due to his convictions for crimes of moral turpitude is upheld and the Respondent's license is revoked.

AND IT IS SO ORDERED.


CAROLYN C. MATTHEWS
Administrative Law Judge

May 19, 2006
Columbia, South Carolina

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s).
This 19th day of May 2006
By: Amelia F. Roper
Judicial Law Clerk

¹ State v. Harrison, 298 SC 333, 380 SE2d 818 (1989) for fraudulent check writing, State v. Johnson, 271 S.C. 485, 248 S.E.2d 313 (1978) for forgery.